

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11	UNITED STATES OF AMERICA,)	Case No.: CR 14 - 70298 PSG
12	Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
13	v.)	
14	KISHORE PALLAPOTHU,)	[UNDER SEAL]
15	Defendant.)	

Defendant Kishore Pallapothu has been charged with a violation of 18 U.S.C. § 1505, Obstruction of Justice, and has been released on terms and conditions including an appearance bond and supervision by Pretrial Services.

This matter is scheduled to come before the Court for preliminary hearing or arraignment on indictment on Wednesday, December 10, 2014.

Since the last calling of the case, the government made additional information available to the defendant Pallapothu. Defendant Pallapothu and his counsel reviewed and analyzed the government's information and evidence. In response, defendant Pallapothu has offered to make information and evidence available to the government that is currently outside the jurisdiction of the U.S. Government, in India. Additional time is required to receive, review and analyze the discovery. Because of the international nature of this case, logistics is making matters more difficult, but the parties are working cooperatively through those issues. The parties are also continuing to discuss the merits of the

1 underlying investigation relative to a possible disposition of this matter short of indictment and such
2 disposition may include cooperation.

3 Accordingly, the parties mutually agree and hereby stipulate that a short continuance of this
4 matter from December 10, 2014, until February 11, 2015, is necessary for effective preparation of
5 counsel and for continuity of counsel. The parties further agree and stipulate that the time from
6 December 10, 2014, through and including February 11, 2015, may be excluded from the computation
7 of time within which an information or indictment shall be filed under the Speedy Trial Act, in order to
8 ensure the reasonable time necessary for effective preparation and continuity of counsel, pursuant to
9 Title 18, United States Code Section 3161(b), (h)(7)(A), (h)(7)(B)(iv), as well as a mutual stipulation to
10 waive time for an indictment or preliminary hearing, pursuant to Rule 5.1 of the Federal Rules of
11 Criminal Procedure, up to and including February 11, 2015, based on the need for effective preparation
12 of counsel and continuity of counsel.

13 Finally, as this document references a disposition including cooperation, the parties request that
14 this stipulation and order be filed under seal.

15 **IT SO STIPULATED.**

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17 MELINDA HAAG
United States Attorney

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19 Dated: December 8, 2014

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21 /s/
TIMOTHY J. LUCEY
Assistant United States Attorney

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23 Dated: December 8, 2014

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25 /s/
EDWIN PRATHER
Attorney for Defendant
KISHORE PALLAPOTHU

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING and per the parties' stipulation, the Court enters this order continuing the date for a preliminary hearing or arraignment on an indictment, from Wednesday, December 10, 2014, until Wednesday, February 11, 2015, before the duty magistrate, as well as documenting the defendant's waiver of the time to conduct a preliminary hearing under Federal Rule of Criminal Procedure Rule 5.1, as well as the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from October 29, 2014, up to and including February 11, 2015.

Finally, as this stipulation and order references cooperation, the document shall be filed under seal pending further order of this Court, except that copies may be provided to the United States and counsel for the defendant.

IT IS SO ORDERED.

Dated: 12/9/14



HON. HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE